IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 17TH NOVEMBER 2006 / 26TH KARTHIKA 1928

WP(C).No. 30388 of 2006(P)

PETITIONER:

T. SURESH, AGED 34 YEARS,
S/O. CHEKKUKUTTY, RESIDING AT THENAMKOOT HOUSE,
POST PALATH, KAKKODI, KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH
SRI.A.J.RAFEEK

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOZHIKODE.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

3. THE KOZHIKODE PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, REPRESENTED BY ITS SECRETARY, PUTHIYARA,KOZHIKODE.

4. THE SALE OFFICER, THE KOZHIKODE PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, KOZHIKODE.

5. THE DISTRICT COLLECTOR, KOZHIKODE.

6. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, CO-OPERATION DEPARTMENT, THIRUVANANTHAPURAM.

BY SENIOR GOVT. PLEADER SRI.P.N.SANTHOSH (R1, R2, R5 & R6).

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 30388 OF 2006

Dated this the 17th November, 2006.

J U D G M E N T

The loan amount received by the writ petitioner was not repaid, as agreed, to the 3rd respondent, the Kozhikode Primary Co-operative Agricultural and Rural Development Bank. Therefore, proceedings were initiated. Property pledged by the petitioner is brought under sale, as per Ext.P10 auction notice by the 4th respondent, Sale Officer. The writ petitioner has approached the State Minister and made a representation, as per Ext.P8, to waive the interest on the loan amount. It was forwarded to the Registrar of Co-operative Societies, who in turn made over the same to the first respondent, the Joint Registrar of Co-operative Societies, Kozhikode. The same is pending as could be seen from Ext.P9 communication from the Registrar of Co-operative Societies. It is during this intervening period that Ext.P10 sale notice had been issued and proceedings initiated against the petitioner. Therefore, the prayer of the writ petitioner is that the representation now pending before the

first respondent may be heard and disposed of, and it is also submitted by the counsel that the facility of one time settlement may be extended to the petitioner, as per Circular No.27/2006.

2. Heard both sides. In the above facts situation, I dispose of the writ petition, directing the petitioner to approach the 3rd respondent, Bank, from where he availed the loan, and file an application for availing the scheme of one time settlement, as per the Circular No.27/2006 dated 29.6.2006, the period of which is available upto 31.12.2006. The above said representation for one time settlement shall be filed by the petitioner before the 3rd respondent, Bank, within 10 days from today. On receipt of the same, the 3rd respondent shall dispose of the same, within three weeks thereof.

3. Meanwhile, all further proceedings initiated against the petitioner for sale of the property, as per Ext.P10 sale notice, shall be kept in abeyance.

J.M. JAMES,
JUDGE

nj.